

**Notice of Allowability**

Application No.

09/980,062

Examiner

Jeffrey E. Russel

Applicant(s)

NAIDU, A SATYANARAYAN

Art Unit

1654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed November 29, 2007.
2. ☒ The allowed claim(s) is/are 6-10, 14-17, 40-49, 51, 59-61, 63, 66, 67, 69-85, 91, 93-100, and 118.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 3, 4, 12, 13, 21, 23-27, 29, 30, 33-37, 56-58, 62, 64, 65, 68, 87-90, 92, 105, 107-114, 119-123, 125, 130, 139-141, 152, 155-158, 160, 161, 166-170, 198, and 199 are canceled.

As noted in the letter mailed October 29, 2007, claims 3, 4, 12, 13, 21, 23-27, 29, 30, 33-37, 56-58, 62, 64, 65, 68, 87-90, 92, 105, 107-114, 125, 130, 139-141, 152, 155, 156, 160, 161, 166-170, 174, 177, 178, 182, 183, 188-192, 198, and 199, which were not rejected in the final Office action but were objected to as not being in independent form, were cancelled by the examiner in accordance with MPEP § 1214.06, especially section II. Because these claims were canceled, re-writing these claims in independent form has no effect. The claims remain canceled.

Although inadvertently omitted from the discussion in the letter mailed October 29, 2007, the rejection of claims 119-123 was upheld on various grounds by the Board of Patent Appeals and Interferences in the decision mailed August 17, 2007. These claims were included in Rejections I, III, IV, VI, and IX (see pages 5-6 and 20 of the decision), which rejections were affirmed. Accordingly, claims 119-123 are canceled.

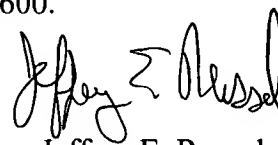
As noted in the letter mailed October 29, 2007, the Board of Patent Appeals and Interferences reversed all rejections against claim(s) 157, 158, 176, 179, and 180. Applicant has re-written claims 157 and 158 in independent form. However, claim 157 as amended omits the

limitation of claim 149, upon which it previously depended, and raises issues under 35 U.S.C. 112, second paragraph, for lack of antecedent basis for the phrase "said human" at line 7. Claim 158 as amended omits the limitations of claims 149, 150, and 154, upon which it previously depended. Because the time period for response to the letter mailed October 29, 2007 is now expired, and no extensions of time are permitted, claims 157 and 158 are canceled. Applicant has canceled claims 176, 179, and 180 in the amendment filed November 29, 2007.

Claims 6-10, 14-17, 40-49, 51, 59-61, 63, 66, 67, 69-85, 91, 93-100, and 118 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.



Jeffrey E. Russel

Primary Patent Examiner

Art Unit 1654

JRussel

December 6, 2007